

# **EXHIBIT D**

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1	UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF ILLINOIS 3 EAST ST. LOUIS DIVISION 4 CHARLENE EIKE, et al., on ) 5 behalf of themselves and all) 6 others similarly situated, ) 7 )Cause No. 8 Plaintiffs, )3:12-cv-01141-DRH-DGW 9 v. ) 10 ALLERGAN, INC., et al., ) 11 Defendants. ) 12 -----)	1 APPEARANCES: 2 LAW OFFICE OF RICHARD S. CORNFELD 3 Attorneys for the Plaintiffs 4 1010 Market Street, Suite 1720 5 St. Louis, Missouri 63101 6 BY: RICHARD S. CORNFELD, ESQ. (via phone) 7 GREENBERG TRAURIG, LLP 8 Attorneys for Alcon Laboratories, 9 Alcon Research, Ltd.; Falcon 10 Pharmaceuticals, Ltd; and Sandoz, Inc. 11 77 W. Wacker Drive, Suite 2500 12 Chicago, Illinois 60601 13 BY: GREGORY OSTFELD, ESQ. 14 KIRKLAND & ELLIS, LLP 15 Attorneys for Pfizer, Inc. 16 333 S. Hope Street 17 Los Angeles, California 90071 18 BY: AUSTIN NORRIS, ESQ. (via phone) 19 SHOOK, HARDY & BACON, LLP 20 Attorneys for Allergan, Inc.; 21 Allergan USA, Inc.; Allergan Sales, LLC; 22 and Bausch & Lomb, Inc. 23 2555 Grand Boulevard 24 Kansas City, Missouri 64108 25 BY: JAMES P. MUEHLBERGER, ESQ. (via phone) BRYAN CAVE, LLP Attorneys for Merck & Co., Inc.; Merck, Sharp & Dohme Corp.; and Prasco, LLC 211 N. Broadway, Suite 3600 St. Louis, Missouri 63102 BY: TIMOTHY HASKEN, ESQ. (via phone) ALSO PRESENT: DAVID L. KLEINMAN, In-House Counsel for Sandoz MATTHEW SMITH, Legal Video Specialist
1	VIDEOTAPED DEPOSITION OF GREGORY SEITZ, II 2 Princeton, New Jersey 3 Wednesday, March 12, 2014 4 5 Reported by: 6 JOMANNA DeROSA, CSR 7 JOB NO. 70916	Page 2

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1            LITIGATION SUPPORT INDEX 2 3            DIRECTION TO WITNESS NOT TO ANSWER 4        Page    Line    Page    Line 5            (NONE) 6 7            REQUEST FOR PRODUCTION OF DOCUMENTS 8        Page    Line    Page    Line 9            (NONE) 10 11          INFORMATION TO BE FURNISHED 12       Page    Line    Page    Line 13            (NONE) 14 15          QUESTIONS MARKED FOR A RULING 16       Page    Line    Page    Line 17            (NONE) 18 19 20 21 22 23 24 25	1            who is present telephonically please state 2            your appearances as well. 3            MR. MUEHLBERGER: This is Jim 4            Muehlberger of Shook, Hardy & Bacon, 5            representing the Allergan and Bausch & Lomb 6            defendants. 7            MR. HASKEN: This is Tim Hasken 8            from Bryan Cave law firm, representing the 9            Merck and Prasco defendants. 10          MR. NORRIS: This is Austin Norris 11          from Kirkland & Ellis representing Pfizer, 12          Inc. 13          THE VIDEOGRAPHER: Thank you. And 14          will the court reporter please swear in the 15          witness. 16          GREGORY SEITZ, II, called as a 17          witness, having been duly sworn by a Notary 18          Public, was examined and testified as 19          follows: 20          EXAMINATION BY 21          MR. CORNFELD: 22 <b>Q. Would you state your name please, sir?</b> 23          A. Sure. It's Gregory Seitz, II. 24 <b>Q. And, Mr. Seitz, by whom are you</b>
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1            THE VIDEOGRAPHER: We're on the 2            record. Today's date is March 12th, 2014, and 3            the time is 9:39 a.m. This is the videotaped 4            deposition of Gregory Seitz in the matter of 5            Charlene Eike, et al. v. Allergan, 6            Incorporated, et al., Case No. 3:12-cv-01141, 7            in the United States District Court, Southern 8            District of Illinois. 9            This deposition is being held at 10          136 Main Street in Princeton, New Jersey. The 11          reporter's name is Jomanna DeRosa. My name is 12          Matthew Smith. I'm the certified legal 13          videographer. We are with Midwest Litigation 14          Services. 15          Would the attorneys present please 16          introduce yourselves. 17          MR. CORNFELD: Rick Cornfeld, 18          representing the plaintiffs. 19          MR. OSTFELD: This is Greg Ostfeld, 20          representing Sandoz, Inc., Alcon Research, 21          Alcon Laboratories, and Falcon 22          Pharmaceuticals. 23          MR. KLEINMAN: David Kleinman, 24          in-house counsel for Sandoz. 25          THE VIDEOGRAPHER: And will counsel	1 <b>employed?</b> 2          A. I'm employed by Sandoz, Inc. 3 <b>Q. What is your position there?</b> 4          A. My position is Director of 5          Regulatory Affairs. 6 <b>Q. How long have you had that</b> 7 <b>position?</b> 8          A. I've had that position for about 9          three and a half years. 10 <b>Q. All right. How long have you</b> 11 <b>worked for Sandoz, Inc.?</b> 12         A. Approximately, four and a half 13         years. 14 <b>Q. So, you began with Sandoz in around</b> 15 <b>2009?</b> 16         A. Correct. 17 <b>Q. Okay. And what was your position</b> 18 <b>when you hired on with them?</b> 19         A. I was hired as an Associate 20         Director of Regulatory Affairs. 21 <b>Q. What is your business address?</b> 22         A. My business address is One Health 23         Plaza, East Hanover, New Jersey. 24 <b>Q. All right. And, sir, as you know,</b> 25 <b>I introduced myself to you before we began. I'm</b>

2 (Pages 5 to 8)

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<p>1   <b>Rick Cornfeld. I represent the plaintiffs in the</b> 2   <b>Eike litigation, and I will be asking you</b> 3   <b>questions this morning.</b></p> <p>4       <b>If at any time you have not heard</b> 5   <b>my question, or think you haven't heard it, or</b> 6   <b>don't understand it, or maybe there's a glitch in</b> 7   <b>the video connection, will you let me know so that</b> 8   <b>I can make the question either audible or</b> 9   <b>understandable?</b></p> <p>10      A. I will.</p> <p>11      Q. All right. And if you -- at any 12     time you want to take a break, just let me know. 13     Usually the videographer has to take a break after 14     every hour or so, but if you would like a break at 15     any other time, just let me know and that will be 16     fine. All right?</p> <p>17      A. Thank you.</p> <p>18      Q. Okay. And you understand that you 19     are here testifying as a corporate representative 20     of Sandoz, Inc. Correct?</p> <p>21      A. That is correct.</p> <p>22      Q. All right. And you agreed to 23     fulfill that role on behalf of Sandoz. Correct?</p> <p>24      A. That is correct.</p> <p>25      Q. All right. And so, you understand</p>	<p>1       A. Yes. It was just handed to me.</p> <p>2       Q. All right. Have you seen that 3     document before?</p> <p>4       A. Yes.</p> <p>5       Q. All right. So, you know that this 6     contains the topics on which we asked Sandoz to 7     provide a witness to testify. Correct?</p> <p>8       A. I believe that there was further 9     communication after this.</p> <p>10      Q. Well, let me start with this: You 11     understand that these are the topics on which we 12     asked for a witness. Correct?</p> <p>13      A. I believe so.</p> <p>14      Q. Okay. And I understand from -- 15     from communications from your attorneys that there 16     are topics in here on which Sandoz says it has no 17     knowledge.</p> <p>18      And that's fine. And I think on 19     those topics what I'm going to want to do is just 20     have you confirm that. And if it's true that 21     Sandoz has no knowledge about something, that's 22     fine, and we'll go on our way. All right?</p> <p>23      A. Okay.</p> <p>24      Q. Okay. Now, in preparing for this 25     deposition, what did you do?</p>

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<p>1     <b>that you are here to testify not just to what you,</b> 2     <b>Gregory Seitz, know, but to what Sandoz, Inc.</b> 3     <b>knows. Correct?</b></p> <p>4      A. Correct.</p> <p>5      Q. And if during my questioning I use 6     the word "you" in the question, you will 7     understand that what I am talking about is Sandoz, 8     and not you, personally, Gregory Seitz. Correct?</p> <p>9      A. Correct.</p> <p>10     Q. Okay. So, for example, if I say 11     are you aware that I am sitting here in St. Louis, 12     I'm asking not -- not you, Gregory Seitz, and so, 13     you'd have to think, well, boy, does my company 14     know that, that Mr. Cornfeld is in St. Louis, and 15     maybe they don't know that, so I have to say I 16     don't know. You understand that. Correct?</p> <p>17      MR. OSTFELD: Objection. Form.</p> <p>18      Q. Go ahead.</p> <p>19      A. Correct.</p> <p>20      (Exhibit PL 4064 marked for 21     identification.)</p> <p>22      Q. Okay. Sir, do you have in front of 23     you the document that's the Notice of Deposition?</p> <p>24     It's got the Bates number on the first page of 25     PL 004064.</p>	<p>1       A. I had met with my attorneys, as 2     well as looked through some of the submissions for 3     the products at question.</p> <p>4       Q. Did you do anything else?</p> <p>5       A. No.</p> <p>6       Q. Did you talk to anyone other than 7     your attorneys?</p> <p>8       A. No.</p> <p>9       Q. Incidentally, other than working 10     for Sandoz, have you ever worked for any other 11     company within what I'll call the Alcon family?</p> <p>12       A. No.</p> <p>13       Q. All right. So, you've never worked 14     for Alcon Laboratories, or Alcon, Inc., or Falcon, 15     or any of those companies that are part of the 16     Alcon group?</p> <p>17       A. No.</p> <p>18       Q. Is that right?</p> <p>19       A. Correct.</p> <p>20       Q. Correct? Okay.</p> <p>21       You understand that Sandoz is a 22     company that develops, manufactures, and markets 23     and distributes a broad line of generic 24     prescription products. Correct?</p> <p>25       A. Correct.</p>

<p>1           <b>Q. And incidentally you pronounce the</b>  2       <b>name of the company -- I want to make sure I get</b>  3       <b>this right since we're on video. You pronounce</b>  4       <b>the name of the company by pronouncing the final</b>  5       <b>Z, Sandoz?</b></p> <p>6           A. I believe it's called Sandoz.</p> <p>7           <b>Q. Okay. Maybe I misunderstood you.</b>  8       <b>I have heard the in-house counsel refer to it as</b>  9       <b>Sandoz, and I thought I heard you say Sandoz,</b>  10      <b>Inc., but more correctly we should call it Sandoz,</b>  11      <b>with a silent Z?</b></p> <p>12       A. Correct.</p> <p>13       <b>Q. Is that right?</b></p> <p>14       A. Correct.</p> <p>15       <b>Q. Okay. Now, for nearly three years</b>  16      <b>Alcon has been manufacturing and supplying</b>  17      <b>ophthalmic pharmaceuticals for Sandoz in the</b>  18      <b>United States. Correct?</b></p> <p>19       A. I believe so.</p> <p>20       <b>Q. When did that begin?</b></p> <p>21       A. I'm not 100 percent sure on the  22      date, as that's not my area of expertise.</p> <p>23       <b>Q. I've seen April of 2011 and June of</b>  24      <b>2011, but I've seen both of those. But was it</b>  25      <b>around then?</b></p>	<p>1           (Exhibit PL 4058 marked for  2       identification.)</p> <p>3           <b>Q. Okay. And would you take a look at</b>  4       <b>the document that's numbered PL 004058.</b></p> <p>5           <b>Do you see that?</b></p> <p>6       A. One second, please. Okay.</p> <p>7       <b>Q. Is -- strike that.</b></p> <p>8           <b>Have you seen this document before?</b></p> <p>9       A. No.</p> <p>10       <b>Q. All right. This -- this is a</b>  11      <b>document that was provided to us by Sandoz in</b>  12      <b>response to an interrogatory that we asked.</b></p> <p>13           <b>Can you look through this and</b>  14      <b>confirm that this lists the ophthalmic</b>  15      <b>pharmaceuticals that Sandoz purchases, markets,</b>  16      <b>and distributes and sells after being purchased</b>  17      <b>from Alcon?</b></p> <p>18       MR. OSTFELD: Objection. Scope.</p> <p>19       A. I would need to verify it, as it's  20      not my area of expertise.</p> <p>21       <b>Q. Does it look accurate?</b></p> <p>22       MR. OSTFELD: Objection. Form.</p> <p>23       A. Again, I would need to verify it.</p> <p>24       <b>Q. What I understand is the products</b>  25      <b>on which you are prepared to testify are</b></p>
<p>1           A. It could have been in 2011.</p> <p>2           <b>Q. All right. Whenever it was, since</b>  3       <b>that time, Sandoz purchased those products,</b>  4       <b>ophthalmic pharmaceuticals, from Alcon and sold,</b>  5       <b>marketed, and distributed them in the United</b>  6       <b>States. Correct?</b></p> <p>7       A. Sandoz is currently a distributor  8      of products manufactured by Alcon, yes.</p> <p>9           <b>Q. Okay. It buys those products from</b>  10     <b>Alcon.</b></p> <p>11       <b>Correct?</b></p> <p>12       A. Correct.</p> <p>13       <b>Q. All right. And it markets those</b>  14      <b>products. Correct?</b></p> <p>15       A. Correct.</p> <p>16       <b>Q. All right. Does Alcon manufacture</b>  17      <b>those products?</b></p> <p>18       MR. OSTFELD: Objection.</p> <p>19       Ambiguous.</p> <p>20       A. Are you speaking in particularly  21      about the products in question or --</p> <p>22       <b>Q. The pharmaceutical -- the generic</b>  23      <b>pharmaceutical products that Sandoz buys from</b>  24      <b>Alcon, is Alcon the manufacturer?</b></p> <p>25       A. I believe so.</p>	<p>1           Page 14</p> <p>1           <b>Dorzolamide, Dorzolamide Timolol, Latanoprost,</b>  2       <b>Timolol, and Timolol GFS. Is that right?</b></p> <p>3       A. That is correct.</p> <p>4       <b>Q. And those are all products that</b>  5       <b>Sandoz purchases from Alcon, then markets,</b>  6       <b>distributes, and sells. Correct?</b></p> <p>7       A. That is correct.</p> <p>8       <b>Q. And I've been using the term Alcon.</b>  9       <b>Do you understand that there are several companies</b>  10      <b>that have the name Alcon within it, and I'm just</b>  11      <b>using that term, for want of a better word,</b>  12      <b>generically just to refer to the Alcon group of</b>  13      <b>companies. All right?</b></p> <p>14       A. Correct.</p> <p>15       <b>Q. And with -- okay.</b>  16       <b>Were you involved at all in the</b>  17      <b>document search in this litigation?</b></p> <p>18       A. When you say "search," I was -- I  19      did provide documentation to counsel, yes.</p> <p>20       <b>Q. What documentation did you provide?</b></p> <p>21       A. Any of the regulatory documentation  22      that was provided.</p> <p>23       <b>Q. Such as?</b></p> <p>24       A. Such as anything that was submitted  25      to the FDA.</p>

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<p>1           <b>Q. Did Sandoz submit anything to the</b> 2           <b>FDA or was that done by Alcon?</b> 3           A. All the research and development 4           for these products, including the original 5           applications and supplements, were submitted by 6           Alcon. 7           Sandoz has submitted additional 8           information to these applications as a regulatory 9           agent on Alcon's behalf.</p> <p>10          <b>Q. All right. Are these documents</b> 11          <b>that are prepared by Alcon and Sandoz submits</b> 12          <b>them?</b> 13          A. Correct. 14          <b>Q. What -- what documents are those,</b> 15          <b>if you can describe them generally?</b> 16          A. The only submissions that Sandoz 17          has made on behalf of Alcon has been annual 18          reports. 19          <b>Q. Annual reports?</b> 20          A. Correct. 21          <b>Q. Do any of those annual reports have</b> 22          <b>to do with drop size?</b> 23          A. No. 24          <b>Q. So, Sandoz has not submitted any --</b> 25          <b>any documentation or submitted anything to the FDA</b></p>	<p>1           for these products. 2          <b>Q. Okay. So, Sandoz -- am I correct</b> 3          <b>that Sandoz has no knowledge about the size of the</b> 4          <b>eye drops that are emitted from the dispensers</b> 5          <b>that it sells?</b> 6           MR. OSTFELD: Objection. Scope. 7          A. That I don't know. 8          <b>Q. You're not aware of any such</b> 9          <b>knowledge that Sandoz has. Is that correct?</b> 10         A. Correct. 11         <b>Q. So far as you are aware, does</b> 12         <b>Sandoz have any knowledge about the factors that</b> 13         <b>influence eye drop size?</b> 14           MR. OSTFELD: Objection. Scope. 15          A. Being a regulatory professional, 16          that's outside of my area of expertise. 17         <b>Q. So, you're not aware of any such</b> 18         <b>knowledge. Is that right?</b> 19           MR. OSTFELD: Same objection. 20          A. Correct. 21         <b>Q. So far as you're aware, has Sandoz</b> 22         <b>ever tested the eye drops at issue in this case?</b> 23           MR. OSTFELD: Objection. Scope. 24          A. Not that I am aware of. 25         <b>Q. So far as you are aware, is Sandoz</b></p>

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<p>1           <b>for any of the products that we're talking about</b> 2           <b>here related to the size of the drops.</b> 3           <b>Is that right?</b> 4          A. Not that I'm aware of. 5          <b>Q. Okay. I am correct that they have</b> 6          <b>not done so, so far as you know?</b> 7          A. As far as I'm aware, correct. 8          <b>Q. Was anyone else involved in</b> 9          <b>searching for documents in this case?</b> 10         A. I am not aware of any other 11         documentation requests. 12         <b>Q. All right. You understand that</b> 13         <b>this case relates to the size of eye drops that</b> 14         <b>are emitted from the eye drop dispensers that</b> 15         <b>patients use. Correct?</b> 16         A. Correct. 17         <b>Q. All right. Does Sandoz itself have</b> 18         <b>any knowledge about the size of the -- of those</b> 19         <b>eye drops?</b> 20         A. Again, development and all 21         technical expertise is done by Alcon. So, 22         Sandoz -- 23         <b>Q. All right. So, then -- I'm sorry.</b> 24         <b>Go ahead.</b> 25         A. No. Sandoz is only a distributor</p>	<p>1           <b>knowledgeable about tests by others of the drop</b> 2           <b>size of the products at issue in this case?</b> 3          A. Again, not that I'm aware of. 4          <b>Q. If a customer of one of the drops</b> 5          <b>at issue in this case, say, Timolol or Timolol</b> 6          <b>GFS, whatever it is, so the customer has a</b> 7          <b>complaint or an inquiry, and they send that</b> 8          <b>complaint or inquiry to Sandoz either by e-mail,</b> 9          <b>or by letter, or by telephone, does Sandoz have</b> 10         <b>procedures for handling those complaints or</b> 11         <b>inquiries?</b> 12           MR. OSTFELD: Objection. Scope. 13          A. Again, Sandoz isn't the applicant, 14          so any of those complaints would be Alcon. 15         <b>Q. So, if Sandoz receives such a</b> 16         <b>complaint or inquiry, Sandoz would refer the</b> 17         <b>customer to Alcon. Is that right?</b> 18           MR. OSTFELD: Objection. Scope. 19          A. Yes. As the applicant, they would 20          be responsible for adverse events and/or customer 21          complaints. 22         <b>Q. All right. I don't mean just a</b> 23         <b>customer complaint, but an inquiry. If a customer</b> 24         <b>called and said how long is my bottle of Timolol</b> 25         <b>supposed to last, would Sandoz tell that customer</b></p>

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<p>1   <b>to call Alcon or would Sandoz have an answer for</b> 2   <b>them?</b></p> <p>3            MR. OSTFELD: Objection. Scope.</p> <p>4            A. Again, it would be handled by 5            Alcon.</p> <p>6   <b>Q. So, Sandoz would tell the customer,</b> 7   <b>call Alcon, and here's their phone number, or</b> 8   <b>here's their e-mail address or whatever?</b></p> <p>9   <b>Is that how it would be handled?</b></p> <p>10          MR. OSTFELD: Objection. Scope.</p> <p>11          Foundation.</p> <p>12          A. Again, that's outside of my 13         expertise, but I believe that that would be 14         handled by Alcon.</p> <p>15   <b>Q. Okay. So, Sandoz would refer the</b> 16   <b>customer to Alcon and tell the customer how to get</b> 17   <b>in touch with Alcon. Is that right?</b></p> <p>18          MR. OSTFELD: Objection. Scope.</p> <p>19          Foundation. Asked and answered.</p> <p>20   <b>Q. Go ahead.</b></p> <p>21          A. Again, it's outside of my 22         expertise, so I would assume that it would be 23         handled by Alcon.</p> <p>24   <b>Q. You say you assume that -- Sandoz</b> 25   <b>then would have to refer the customer to Alcon.</b></p>	<p>1            MR. OSTFELD: Objection. Scope.</p> <p>2            A. Again, this is outside of my area 3         of expertise.</p> <p>4   <b>Q. Are you aware of any such knowledge</b> 5   <b>that Sandoz has?</b></p> <p>6            MR. OSTFELD: Same objection.</p> <p>7            Objection. Asked and answered.</p> <p>8            A. I am not aware of anything.</p> <p>9   <b>Q. Is Sandoz, to your knowledge, aware</b> 10   <b>of any literature, scientific literature,</b> 11   <b>regarding the size of eye drops?</b></p> <p>12          MR. OSTFELD: Objection. Scope.</p> <p>13          A. Again, that's outside of my area. 14         I am not aware of anything.</p> <p>15          MR. CORNFELD: That's all the 16         questions that I have. Thank you very much, 17         sir.</p> <p>18          MR. OSTFELD: Let's take a quick 19         break.</p> <p>20          THE VIDEOGRAPHER: The time is 21         10:02 a.m. We're off the record.</p> <p>22           (Recess taken.)</p> <p>23          THE VIDEOGRAPHER: We're on the 24         record. It's 10:12 a.m.</p> <p>25          MR. OSTFELD: Okay. This is Greg</p>
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<p>1   <b>Correct?</b></p> <p>2            MR. OSTFELD: Same objections.</p> <p>3   <b>Q. Is that your understanding?</b></p> <p>4            A. I assume so.</p> <p>5   <b>Q. Does Sandoz have any knowledge</b> 6   <b>about the amount of medication that the eye can</b> 7   <b>absorb?</b></p> <p>8          MR. OSTFELD: Objection. Scope.</p> <p>9          A. That's outside of my area of 10         expertise.</p> <p>11   <b>Q. Are you aware of any such knowledge</b> 12   <b>that Sandoz has?</b></p> <p>13          MR. OSTFELD: Same objection.</p> <p>14          A. It's, again, outside of my 15         expertise.</p> <p>16   <b>Q. Are you aware of any such knowledge</b> 17   <b>that Sandoz has?</b></p> <p>18          MR. OSTFELD: Same objection.</p> <p>19          Asked and answered.</p> <p>20   <b>Q. Go ahead.</b></p> <p>21          A. I am not aware of anything, as this 22         is not an area of my expertise.</p> <p>23   <b>Q. All right. Are you aware of</b> 24   <b>whether Sandoz knows what size of an eye drop is</b> 25   <b>necessary to be effective?</b></p>	<p>1         Ostfeld. I have no further questions. We'll 2         reserve signature.</p> <p>3         MR. CORNFELD: All right. So, that 4         concludes the deposition.</p> <p>5         Madam Court Reporter, I would like 6         you to take the three exhibits that we used, 7         and first put an exhibit sticker on the first 8         page of each document, towards the lower 9         right, just above the Bates number.</p> <p>10       So, for example, there will be an 11       exhibit sticker above the Bates No. PL 004058, 12       so that that exhibit will be referred to in 13       the future as Exhibit PL 004058. And then 14       please attach those to the transcript.</p> <p>15       With that, I think we can go off 16       the record.</p> <p>17       THE VIDEOGRAPHER: This concludes 18       today's deposition. The time is 10:13 a.m. 19       We're off the record.</p> <p>20           (Recess taken.)</p> <p>21       THE VIDEOGRAPHER: We're on the 22       record. It's 10:14 a.m.</p> <p>23       MR. CORNFELD: All right. Just as 24       a correction that somebody kindly pointed out 25       to me, there were only two documents that were</p>

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1        used as exhibits in this deposition. 2              One was a document with the first 3              page PL 004058, and the other was a document 4              with the first page PL 004064. 5              And with that we can, I think, 6              finally go off the record. 7              THE VIDEOGRAPHER: This concludes 8              today's deposition. The time is 10:15 a.m. 9              We're off the record. 10             (Time Ended: 10:15 a.m.)  11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 25	1              MIDWEST LITIGATION SERVICES 2              March 25, 2014 3              GREENBERG TRAURIG, LLP 4              77 W. Wacker Drive, Suite 2500 5              Chicago, Illinois 60601 6              IN RE: CHARLENE EIKE, et al., on behalf of 7              themselves and all others similarly 8              situated VS ALLERGAN, INC., et al. 9              Dear GREGORY OSTFELD, ESQ. 10             Please find enclosed your copies of the deposition of 11             GREGORY SEITZ, II taken on March 12, 2014 in the 12             above-referenced case. Also enclosed is the original 13             signature page and errata sheets. 14             Please have the witness read your copy of the 15             transcript, indicate any changes and/or corrections 16             desired on the errata sheets, and sign the signature 17             page before a notary public. 18             Please return the errata sheets and notarized 19             signature page to RICHARD S. CORNFELD for filing prior to 20             trial date. 21             Sincerely, 22 23             Jomanna DeRosa 24             Enclosures	Page 27
1              CERTIFICATE 2              STATE OF NEW YORK ) 3                             )ss: 4              COUNTY OF NEW YORK)  5 6              I, JOMANNA DeROSA, a Certified 7              Shorthand Reporter and Notary Public within 8              and for the States of New York, New Jersey, 9              California and Arizona, do hereby certify: 10             That GREGORY SEITZ, II, the witness 11             whose deposition is hereinbefore set forth, was 12             duly sworn by me and that such deposition is a 13             true record of the testimony given by such 14             witness. 15             I further certify that I am not 16             related to any of the parties to this action 17             by blood or marriage, and that I am in no 18             way interested in the outcome of this 19             matter. 20             In witness whereof, I have hereunto 21             set my hand this 24th day of March, 2014.  22 23 24             _____ 25             JOMANNA DeROSA	Page 26	1              ERRATA SHEET 2              Witness Name: GREGORY SEITZ, II 3              Case Name: CHARLENE EIKE, et al., on behalf of 4              themselves and all others similarly 5              situated VS ALLERGAN, INC., et al. 6              Date Taken: MARCH 12, 2014 7 8              Page # _____ Line # _____ 9              Should read: _____ 10             Reason for change: _____ 11 12             Page # _____ Line # _____ 13             Should read: _____ 14             Reason for change: _____ 15 16             Page # _____ Line # _____ 17             Should read: _____ 18             Reason for change: _____ 19 20             Page # _____ Line # _____ 21             Should read: _____ 22             Reason for change: _____ 23 24             Page # _____ Line # _____ 25             Should read: _____ 23             Reason for change: _____ 24 25             Witness Signature: _____	Page 28

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1 STATE OF \_\_\_\_\_)

2

3 COUNTY OF \_\_\_\_\_)

4

5 I, GREGORY SEITZ, II, do hereby certify:

6 That I have read the foregoing deposition;

7 That I have made such changes in form

8 and/or substance to the within deposition as might

9 be necessary to render the same true and correct;

10 That having made such changes thereon, I

11 hereby subscribe my name to the deposition.

12 I declare under penalty of perjury that the

13 foregoing is true and correct.

14 Executed this \_\_\_\_ day of \_\_\_\_\_,

15 20\_\_\_\_, at \_\_\_\_\_.

16

17

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19

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GREGORY SEITZ, II

21

22

23

NOTARY PUBLIC

24 My Commission Expires:

25

<b>A</b> <b>abovereferenced</b> 27:9 <b>absorb</b> 22:7 <b>accurate</b> 15:21 <b>action</b> 26:16 <b>additional</b> 17:7 <b>address</b> 8:21,22 21:8 <b>adverse</b> 20:20 <b>affairs</b> 8:5,20 <b>agent</b> 17:9 <b>agreed</b> 9:22 <b>ahead</b> 10:18 18:24 21:20 22:20 <b>al</b> 1:4,8 6:5,6 27:4,5 28:3,5 <b>alcon</b> 3:6,7 6:20 6:21 12:11,14 12:14,16 13:16 14:4,8,10,16,24 14:24 15:17 16:5,8,10,12 17:2,6,11,17 18:21 20:14,17 21:1,5,7,14,16 21:17,23,25 <b>alcon</b> s 17:9 <b>allergan</b> 1:8 3:14 3:15,15 6:5 7:5 27:5 28:5 <b>ambiguous</b> 14:19 <b>amount</b> 22:6 <b>angeles</b> 3:12 <b>annual</b> 17:17,19 17:21 <b>answer</b> 4:10 5:3 21:1 <b>answered</b> 21:19 22:19 23:7 <b>appearances</b> 7:2 <b>applicant</b> 20:13 20:19 <b>applications</b> 17:5 17:8	<b>approximately</b> 8:12 <b>april</b> 13:23 <b>area</b> 13:22 15:20 19:16 22:9,22 23:2,13 <b>arizona</b> 2:12 26:9 <b>asked</b> 11:6,12 15:12 21:19 22:19 23:7 <b>asking</b> 9:2 10:12 <b>associate</b> 8:19 <b>assume</b> 21:22,24 22:4 <b>attach</b> 24:14 <b>attorneys</b> 3:3,6 3:11,14,19 6:15 11:15 12:1,7 <b>audible</b> 9:8 <b>austin</b> 3:12 7:10 <b>aware</b> 10:11 18:4 18:7,10 19:8,11 19:17,21,24,25 20:3 22:11,16 22:21,23 23:4,8 23:9,14	<b>broad</b> 12:23 <b>broadway</b> 3:20 <b>bryan</b> 3:18 7:8 <b>business</b> 8:21,22 <b>buys</b> 14:9,23	<b>24:17</b> 25:7 <b>confirm</b> 11:20 15:14 <b>connection</b> 9:7 <b>contains</b> 11:6 <b>copies</b> 27:7 <b>copy</b> 27:12 <b>cornfeld</b> 3:2,4 4:3 6:17,17 7:21 9:1 10:14 23:15 24:3,23 27:18 <b>corp</b> 3:19 <b>corporate</b> 9:19 <b>correct</b> 8:16 9:20 9:21,23,24 10:3 10:4,8,9,16,19 <b>cause</b> 1:5 <b>cave</b> 3:18 7:8 <b>certificate</b> 26:1 <b>certified</b> 2:9 6:12 26:6 <b>certify</b> 26:9,15 29:5 <b>change</b> 28:10,14 28:18,20,23 <b>changes</b> 27:13 29:7,10 <b>charlene</b> 1:4 6:5 27:4 28:3 <b>chicago</b> 3:8 27:4 <b>city</b> 3:16 <b>commission</b> 29:24 <b>communication</b> 11:9 <b>communications</b> 11:15 <b>companies</b> 12:15 16:9,13 <b>company</b> 10:13 12:11,22 13:2,4 <b>complaint</b> 20:7,8 20:16,23 <b>complaints</b> 20:10 20:14,21 <b>concludes</b> 24:4	<b>dear</b> 27:6 <b>declare</b> 29:12 <b>defendants</b> 1:9 7:6,9 <b>deposition</b> 1:15 2:5 4:9 6:4,9 10:23 11:25 24:4,18 25:1,8 26:11,12 27:7 29:6,8,11 <b>derosa</b> 1:24 2:9 6:11 26:6,24 27:24 <b>describe</b> 17:15 <b>desired</b> 27:14 <b>development</b> 17:3 18:20 <b>develops</b> 12:22 <b>direction</b> 5:3 <b>director</b> 8:4,20 <b>dispensers</b> 18:14 19:4 <b>distributed</b> 14:5 <b>distributes</b> 12:23 15:16 16:6 <b>distributor</b> 14:7 18:25 <b>district</b> 1:1,2 6:7 6:8 <b>division</b> 1:3 <b>document</b> 10:23 11:3 15:4,8,11 16:17 24:8 25:2 25:3 <b>documentation</b> 16:19,20,21 17:25 18:11 <b>documents</b> 5:7 17:10,14 18:9 24:25 <b>dohme</b> 3:19 <b>dont</b> 9:6 10:15,16 19:7 20:22 <b>dorzolamide</b> 16:1,1 <b>drive</b> 3:8 27:3

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